

AN ACT relating to the law enforcement and firefighters foundation programs and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 15.410 is amended to read as follows:

It is the intention of the General Assembly to ensure~~assure~~ that the criminal laws of the Commonwealth are enforced fairly, uniformly, and effectively throughout the state by strengthening and upgrading~~local~~ law enforcement; to attract competent, highly qualified young people to the field of law enforcement and to retain qualified and experienced officers for the purpose of providing maximum protection and safety to the citizens of, and the visitors to, this Commonwealth; and to offer a state monetary supplement for~~local~~ law enforcement officers while upgrading the educational and training standards of the~~such~~ officers.

➔Section 2. KRS 15.420 is amended to read as follows:

As used in KRS 15.410 to 15.510~~, unless the context otherwise requires~~:

(1) **"Council" means the Kentucky Law Enforcement Council;**~~["Local Unit of government" means any city or county, combination of cities and counties, state or public university, or county sheriff's office of the Commonwealth.]~~

(2) "Police officer":

(a) Means:

1. A full-time member of:

a. A lawfully organized police department of county, urban-county, or city government;~~;~~ or

b. A sheriff or full-time deputy sheriff, including any sheriff providing court security or appointed under KRS 70.030;~~;~~ or

2. A ~~state or~~ public university police officer, employee of a state agency, or employee of a local school district;

who is responsible for the prevention and detection of crime and the

enforcement of ~~the general criminal laws of~~ the state;

2. A Kentucky state trooper;

3. A Kentucky State Police arson investigator;

4. A Kentucky State Police hazardous device investigator;

5. A Kentucky State Police legislative security specialist;

6. A Kentucky vehicle enforcement officer;

7. A horse park mounted patrol officer;

8. A park ranger;

9. An agriculture investigator;

10. A charitable gaming investigator;

11. An alcoholic beverage control investigator;

12. An insurance fraud investigator;

13. A school security officer; and

14. An Attorney General investigator; ~~but~~

(b) Does not include ~~{Department of Kentucky State Police,}~~ any sheriff who earns the maximum constitutional salary for this office, any special deputy sheriff appointed under KRS 70.045, any constable, deputy constable, district detective, deputy district detective, special local peace officer, auxiliary police officer, or any other peace officer not specifically authorized in KRS 15.410 to 15.510; ~~{}~~

(3) "Unit of government" means any city, county, combination of cities and counties, public university, state agency, local school district, or county sheriff's office of the Commonwealth; and ~~["Council" means the Kentucky Law Enforcement Council.]~~

(4) "Validated job task analysis" means the core job description which describes the minimum entry level requirements, qualifications, and training requirements for peace officers in the Commonwealth, which is based upon an actual survey and

1 study of police officer duties and responsibilities conducted by an entity recognized
2 by the ~~[Kentucky Law Enforcement]~~ council as being competent to conduct such a
3 study.

4 ➔ Section 3. KRS 15.440 is amended to read as follows:

5 (1) Each ~~[local]~~ unit of government which meets the following requirements shall be
6 eligible to share in the distribution of funds from the Law Enforcement Foundation
7 Program fund:

8 (a) Employs one (1) or more police officers;

9 (b) Pays every police officer at least the minimum federal wage;

10 (c) **Requires all police officers to have, at a minimum,** ~~[Maintains the minimum~~
11 ~~educational requirement of]~~ a high school degree, or its equivalent as
12 determined by the ~~[Kentucky Law Enforcement]~~ council, **except that each**
13 **police officer employed prior to the date on which the officer's department**
14 **was included as a participant under KRS 15.410 to 15.510** ~~[for employment~~
15 ~~of police officers on or after July 1, 1972, and for all sheriffs appointed or~~
16 ~~elected on or after July 15, 1998, and all deputy sheriffs, and state or public~~
17 ~~university police officers employed after July 15, 1998; provided, however,~~
18 ~~that all police officers employed prior to July 1, 1972, shall be deemed to have~~
19 ~~met the requirements of this subsection, and that all sheriffs serving in office~~
20 ~~on July 15, 1998, all deputy sheriffs, and state or public university police,~~
21 ~~employed prior to July 15, 1998,]~~ shall be deemed to have met the
22 requirements of this subsection;

23 (d) 1. Requires all police officers ~~[employed on or after July 1, 1972, and all~~
24 ~~sheriffs appointed or elected on or after July 15, 1998, and deputy~~
25 ~~sheriffs, and state or public university police officers employed on or~~
26 ~~after January 1, 1998,]~~ to successfully complete a basic training course
27 of nine hundred twenty-eight (928) hours' duration within one (1) year of

1 the date of employment at a school certified or recognized by the
2 ~~Kentucky Law Enforcement~~ council, which may provide a different
3 number of hours of instruction as established in this paragraph, except
4 that each police officer employed prior to the date on which the
5 officer's department was included as a participant under KRS 15.410
6 to 15.510. ~~All sheriffs serving in office on July 15, 1998, all deputy~~
7 ~~sheriffs, and state or public university police, employed prior to January~~
8 ~~1, 1998,~~ shall be deemed to have met the requirements of this
9 subsection.

- 10 2. As the exclusive method by which the number of hours required for
11 basic training courses shall be modified from that which is specifically
12 established by this paragraph, the council may, by the promulgation of
13 administrative regulations in accordance with the provisions of KRS
14 Chapter 13A, explicitly set the exact number of hours for basic training
15 at a number different from nine ~~from nine~~ hundred twenty-eight (928)
16 hours based upon a training curriculum approved by the ~~Kentucky Law~~
17 ~~Enforcement~~ council as determined by a validated job task analysis.
- 18 3. If the council sets an exact number of hours different from nine hundred
19 twenty-eight (928) in an administrative regulation as set out in this
20 paragraph, it shall not further change the number of hours required for
21 basic training without promulgating administrative regulations in
22 accordance with the provisions of KRS Chapter 13A.
- 23 4. Nothing in this paragraph shall be interpreted to prevent the council
24 pursuant to its authority under KRS 15.330 from approving training
25 schools with a curriculum requiring attendance of a number of hours that
26 exceeds nine hundred twenty-eight (928) hours or the number of hours
27 established in an administrative regulation set out by subparagraphs 2.

1 and 3. of this paragraph. However, the training programs and schools for
2 the basic training of law enforcement personnel conducted by the
3 department pursuant to KRS 15A.070 shall not contain a curriculum that
4 requires attendance of a number of hours for basic training that is
5 different from nine hundred twenty-eight (928) hours or the number of
6 hours established in an administrative regulation promulgated by the
7 council pursuant to the provisions of KRS Chapter 13A as set out by
8 subparagraphs 2. and 3. of this paragraph;

- 9 (e) Requires all police officers~~[, whether originally employed before or after July~~
10 ~~1, 1972, and all sheriffs appointed or elected before, on, or after July 15, 1998,~~
11 ~~and all deputy sheriffs and state or public police officers employed before, on,~~
12 ~~or after July 15, 1998,]~~ to successfully complete each calendar year an in-
13 service training course, appropriate to the officer's rank and responsibility and
14 the size and location of the officer's~~[his]~~ department, of forty (40) hours'
15 duration, of which the number of hours shall not be changed by the council, at
16 a school certified or recognized by the~~[Kentucky Law Enforcement]~~ council.
17 This requirement shall be waived for the period of time that a peace officer is
18 serving on active duty in the United States Armed Forces. This waiver shall be
19 retroactive for peace officers from the date of September 11, 2001;

- 20 (f) Complies~~[Requires compliance]~~ with all provisions of law applicable to
21 police officers or police departments~~[local police, state or public university~~
22 ~~police, or sheriffs and their deputies]~~, including transmission of data to the
23 centralized criminal history record information system as required by KRS
24 17.150;

- 25 (g) Complies~~[Requires compliance]~~ with all~~[reasonable]~~ rules and regulations,
26 appropriate to the size and location of the~~[local]~~ police department~~[, state or~~
27 ~~public university police department, or sheriff's office,]~~ issued by the Justice

- 1 and Public Safety Cabinet to facilitate the administration of the fund and
2 further the purposes of KRS 15.410 to 15.510;
- 3 (h) Possesses a written policy and procedures manual related to domestic violence
4 for law enforcement agencies that ~~meets the standards set forth by, and~~ has
5 been approved by ~~the~~ the Justice and Public Safety Cabinet. The policy shall
6 comply with the provisions of KRS 403.715 to 403.785. The policy shall
7 include a purpose statement ~~statements~~; definitions; supervisory
8 responsibilities; procedures for twenty-four (24) hour access to protective
9 orders; procedures for enforcement of court orders or relief when protective
10 orders are violated; procedures for timely and contemporaneous reporting of
11 adult abuse and domestic violence to the Cabinet for Health and Family
12 Services ~~Families and Children~~, Department for Community Based Services;
13 victim rights, assistance, and service responsibilities; and duties related to
14 timely completion of records; and
- 15 (i) Possesses by January 1, 2017, a written policy and procedures manual related
16 to sexual assault examinations that meets the standards set forth by, and has
17 been approved by, the Justice and Public Safety Cabinet, and which includes:
- 18 1. A requirement that evidence collected as a result of an examination
19 performed under KRS 216B.400 be taken into custody within five (5)
20 days of notice from the collecting facility that the evidence is available
21 for retrieval;
 - 22 2. A requirement that evidence received from a collecting facility relating
23 to an incident which occurred outside the jurisdiction of the department
24 be transmitted to a department with jurisdiction within ten (10) days of
25 its receipt by the department;
 - 26 3. A requirement that all evidence retrieved from a collecting facility under
27 this paragraph be transmitted to the Department of Kentucky State

- 1 Police forensic laboratory within thirty (30) days of its receipt by the
2 department;
- 3 4. A requirement that a suspect standard, if available, be transmitted to the
4 Department of Kentucky State Police forensic laboratory with the
5 evidence received from a collecting facility; and
- 6 5. A process for notifying the victim from whom the evidence was
7 collected of the progress of the testing, whether the testing resulted in a
8 match to other DNA samples, and if the evidence is to be destroyed. The
9 policy may include provisions for delaying notice until a suspect is
10 apprehended or the office of the Commonwealth's attorney consents to
11 the notification, but shall not automatically require the disclosure of the
12 identity of any person to whom the evidence matched.
- 13 (2) ~~A[No local]~~ unit of government which meets the criteria of this section shall be
14 eligible to continue sharing in the distribution of funds from the Law Enforcement
15 Foundation Program fund only if~~[unless]~~ the~~[local]~~ police department remains in
16 compliance~~[, state or public university police department, or sheriff's office actually~~
17 ~~begins and continues to comply]~~ with the requirements of this section~~[-; provided,~~
18 ~~further, that no local unit shall be eligible to share in the distribution of funds from~~
19 ~~the Law Enforcement Foundation Program fund until the local police department,~~
20 ~~state or public university police department, or sheriff's office has substantially~~
21 ~~complied with subsection (1)(f) and (g) of this section]~~.
- 22 (3) Deputies employed by a sheriff's office shall be eligible to participate~~[not lose~~
23 ~~eligibility to share]~~ in the distribution of funds from the Law Enforcement
24 Foundation Program fund regardless of participation by~~[if]~~ the sheriff~~[does not~~
25 ~~participate in the Law Enforcement Foundation Program fund]~~.
- 26 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection
27 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis

1 for a dismissal of a criminal action or a bar to the admissibility of the evidence in a
2 criminal action.

3 ➔Section 4. KRS 15.460 is amended to read as follows:

4 (1) (a) Except as provided in subsection (4)(a) of this section,~~[beginning July 15,~~
5 ~~1998,]~~ an eligible~~[local]~~ unit of government shall be entitled to receive~~[~~
6 ~~annually a supplement of two thousand seven hundred fifty dollars (\$2,750)~~
7 ~~for each qualified police officer it employs, and beginning on July 1, 1999,]~~ an
8 annual supplement of three thousand dollars (\$3,000) for each qualified police
9 officer it employs. *The supplement amount shall be increased to four*
10 *thousand dollars (\$4,000) beginning July 1, 2018.*

11 (b) 1. In addition to the supplement, the unit of government shall receive~~[~~,
12 ~~plus]~~ an amount equal to the required employer's contribution on the
13 supplement to the defined benefit pension plan *and duty category* to
14 which the officer belongs~~[, but no more than the required employer's~~
15 ~~contribution to the County Employees Retirement System hazardous~~
16 ~~duty category]~~. In the case of County Employees Retirement System
17 membership, the pension contribution on the supplement shall be paid
18 whether the officer enters the system under hazardous duty coverage or
19 nonhazardous coverage. *The amounts specified in this paragraph shall*
20 *include a proportionate amount for any supplemental contributions*
21 *employers are required to make to any retirement system.*

22 2. The~~[local]~~ unit of government shall pay the amount received for
23 retirement coverage to the appropriate retirement system to cover the
24 required employer contribution on the pay supplement.

25 3. Should the foundation program funds be insufficient to pay employer
26 contributions to the system, then the total amount available for pension
27 payments shall be prorated to each eligible government so that each

1 receives the same percentage of required pension costs attributable to the
2 cash salary supplement.

3 (c) 1. In addition to the payments received under paragraphs (a) and (b) of
4 this subsection, but only if sufficient funds are available to make all
5 payments required under paragraph (b) of this subsection, each unit
6 of government shall receive an administrative expense reimbursement
7 in an amount equal to seven and sixty-five one hundredths percent
8 (7.65%) of the total annual supplement received greater than three
9 thousand one hundred dollars (\$3,100) for each qualified police
10 officer it employs, subject to the cap established by subparagraph 3. of
11 this paragraph.

12 2. The unit of government may use the moneys received under this
13 paragraph in any manner it deems necessary to partially cover the
14 costs of administering the payments received under paragraph (a) of
15 this subsection.

16 3. The total amount distributed under this paragraph shall not exceed
17 the total sum of five hundred twenty-five thousand dollars (\$525,000)
18 for each fiscal year. If there are insufficient funds to provide for full
19 reimbursement as provided in subparagraph 1. of this paragraph, then
20 the amount shall be distributed pro rata to each eligible unit of
21 government so that each receives the same percentage attributable to
22 its total receipt of the cash salary supplement.

23 (2) The supplement provided in subsection (1) of this section shall be paid by the unit
24 of government to each police officer whose qualifications resulted in receipt of a
25 supplemental payment. The payment shall be in addition to the police
26 officer's~~Each qualified police officer, whose local government receives a~~
27 ~~supplement pursuant to subsection (1) of this section, shall be paid by the local~~

1 ~~government the supplement which his or her qualifications brought to the local~~
2 ~~government. The supplement paid each police officer shall be in addition to his or~~
3 ~~her]~~ regular salary and, except as provided in subsection (4)(b) of this section, shall
4 continue to be paid to a police~~[an]~~ officer who is a member of:

5 (a) The Kentucky National Guard during any period of activation under Title 10
6 or 32 of the United States Code or KRS 38.030; or

7 (b) Any reserve component of the United States Armed Forces during any period
8 of activation with the United States Armed Forces.

9 (3) (a) ~~A~~Each qualified sheriff who receives the maximum salary allowed by
10 Section 246 of the Kentucky Constitution and KRS 64.527 shall not receive a
11 supplement.

12 (b) ~~A~~Each qualified sheriff who does not receive the maximum salary allowed
13 by Section 246 of the Kentucky Constitution and KRS 64.527, excluding the
14 expense allowance provided by KRS 70.170, shall upon annual settlement
15 with the fiscal court under KRS 134.192, receive that portion of the
16 supplement that will not cause his or her compensation to exceed the
17 maximum salary.

18 (c) ~~A~~Each qualified sheriff who seeks to participate in the fund shall forward a
19 copy of the annual settlement prepared under KRS 134.192 to the fund. The
20 sheriff shall reimburse the fund if an audit of the annual settlement conducted
21 pursuant to KRS 134.192 reflects that the sheriff received all or a portion of
22 the supplement in violation of this section. A sheriff who fails to provide a
23 copy of the annual settlement to the fund or to reimburse the fund after
24 correction by audit, if required, shall not be qualified to participate in the fund
25 for a period of two (2) years.

26 (d) ~~A~~Each qualified deputy sheriff shall receive the supplement from the sheriff
27 if the sheriff administers his or her own budget or from the county treasurer if

1 the sheriff pools his or her fees. The failure of a sheriff to comply with the
2 provisions of this section shall not affect the qualification of his or her
3 deputies to participate in the fund.

4 (4) (a) Eligible~~[-local]~~ units of government shall receive the salary supplement,
5 excluding funds applicable to the employer's pension fund contribution,
6 provided in subsection (1) of this section for distribution to a police~~[an]~~
7 officer who is eligible under subsection (2) of this section.

8 (b) A qualified police officer receiving a salary supplement during any period of
9 military activation, as provided in subsection (2) of this section, shall not be
10 entitled to receive the employer's pension system contribution, and the salary
11 supplement shall not be subjected to an employee's contribution to a pension
12 system. The salary supplement shall otherwise be taxable for all purposes.

13 (5) A unit of government receiving disbursements under this section shall follow all
14 laws applicable to it that may govern due process disciplinary procedures for its
15 officers, but this subsection shall not be interpreted to:

16 (a) Authorize the Department of Criminal Justice Training, the Justice and
17 Public Safety Cabinet, or the council to investigate, judge, or exercise any
18 control or jurisdiction regarding the compliance of a unit of government
19 with laws that may govern due process disciplinary procedures for its
20 officers, except as otherwise provided by law;

21 (b) Create a private right of action for any police officer regarding an agency's
22 participation in this section;

23 (c) Authorize a termination of an agency's participation as a result of a
24 judgment that the unit of government failed to follow its procedures in any
25 independent cause of action brought by the police officer against the unit of
26 government; or

27 (d) Prevent the adoption, amendment, or repeal of any laws that may govern

the due process disciplinary procedures of a unit of government's police officers.

➔Section 5. KRS 95A.250 is amended to read as follows:

(1) (a) ~~[Beginning July 1, 1982,]~~An eligible local government shall be entitled to receive~~[annually a supplement of two thousand seven hundred fifty dollars (\$2,750) for each qualified professional firefighter it employs, and beginning on July 1, 1999,]~~ an annual supplement of three thousand dollars (\$3,000) and, beginning July 1, 2018, an annual supplement of four thousand dollars (\$4,000), for each qualified professional firefighter it employs, plus an amount equal to the required employer's contribution on the supplement to the defined benefit pension plan, or to a plan qualified under Section 401(a) or Section 457 of the Internal Revenue Code of 1954 as amended.

(b) The employer's contribution to any of these plans on the supplement shall not exceed the required employer's contribution to the County Employees Retirement System pursuant to KRS Chapter 78 for the hazardous duty category. The pension contribution on the supplement shall be paid whether the professional firefighter entered the system under hazardous duty coverage or nonhazardous coverage.

(c) The local unit of government shall pay the amount received for retirement coverage to the appropriate retirement system to cover the required employer contribution on the supplement.

(d) Should the foundation program funds be insufficient to pay employer contributions to the system, then the total amount available for pension payments shall be prorated to each eligible government so that each receives the same percentage of required pension costs attributable to the supplement.

(e) 1. In addition to the payments received under paragraphs (a) and (b) of this subsection, but only if sufficient funds are available to fully

1 reimburse each eligible local government for the employer
2 contributions to the pension system, each local government shall
3 receive an administrative expense reimbursement in an amount equal
4 to seven and sixty-five one hundredths percent (7.65%) of the total
5 annual supplement received greater than three thousand one hundred
6 dollars (\$3,100) for each qualified professional firefighter it employs,
7 subject to the cap established by subparagraph 3. of this paragraph.

8 2. The local government may use the moneys received under this
9 paragraph in any manner it deems necessary to partially cover the
10 costs of administering the payments received under paragraph (a) of
11 this subsection.

12 3. The total amount distributed under this paragraph shall not exceed
13 the total sum of two hundred fifty thousand dollars (\$250,000) for
14 each fiscal year. If there are insufficient funds to provide for full
15 reimbursement as provided in subparagraph 1. of this paragraph, then
16 the amount shall be distributed pro rata to each eligible local
17 government so that each receives the same percentage attributable to
18 its total receipt of the cash salary supplement.

19 (2) (a) Each qualified professional firefighter, whose local government receives a
20 supplement pursuant to subsection (1)(a) of this section due to employment of
21 the firefighter, shall receive distribution of the supplement from that local
22 government in twelve (12) equal monthly installments with his or her pay for
23 the last pay period of each month. The monthly distribution shall be calculated
24 by dividing the supplement amount set forth in subsection (1)(a) of this
25 section by twelve (12).

26 (b) The supplement disbursed to a qualified professional firefighter pursuant to
27 this section shall not be considered "wages" as defined by KRS

1 337.010(1)(c)1. and shall not be included in the hourly wage rate for
2 calculation of overtime pursuant to KRS 337.285 for scheduled overtime. The
3 supplement shall be included in the hourly wage rates for calculation of
4 overtime for unscheduled overtime pursuant to KRS 337.285.

5 (c) To determine the addition to the hourly wage rate for calculation of overtime
6 on unscheduled overtime, the annual supplement shall be divided by two
7 thousand eighty (2,080). The overtime rate for unscheduled overtime shall be
8 calculated by adding the quotient, which is the amount of the annual
9 supplement divided by two thousand eighty (2,080), to the hourly wage rate
10 and multiplying the total by one and one-half (1.5). The enhanced overtime
11 rate shall be paid only for unscheduled overtime. Scheduled overtime shall be
12 paid at one and one-half (1.5) times the regular hourly wage rate, excluding
13 the supplement.

14 (3) ~~[Beginning July 1, 2006:]~~

15 (a) The Kentucky Community and Technical College System shall be entitled to
16 receive annually a supplement equal to the amount determined in subsection
17 (1) of this section for each Kentucky fire and rescue training coordinator
18 employed by the Kentucky Community and Technical College System who
19 meets the qualifications for individual firefighters required in KRS 95A.230,
20 plus an amount equal to the required employer's contribution on the
21 supplement to the defined benefit pension plan.~~[, and]~~

22 (b) The Department of Military Affairs shall be entitled to receive annually a
23 supplement equal to the amount determined in subsection (1) of this section
24 for each civilian firefighter employed by the Department of Military Affairs
25 who meets the qualifications for individual firefighters required in KRS
26 95A.230, plus an amount equal to the required employer's contribution on the
27 supplement to the defined benefit pension plan.

Each fire and rescue training coordinator employed by the Kentucky Community and Technical College System and each civilian firefighter employed by the Department of Military Affairs, whose employer receives a supplement pursuant to this subsection, shall receive distribution from that employer of the supplement which his or her qualifications brought to the employer. The supplement distributed shall be in addition to his or her regular salary.

➔Section 6. KRS 95A.262 is amended to read as follows:

(1) The Commission on Fire Protection Personnel Standards and Education shall, in cooperation with the Cabinet for Health and Family Services, develop and implement a continuing program to inoculate every paid and volunteer firefighter in Kentucky against hepatitis B. The program shall be funded from revenues allocated to the Firefighters Foundation Program fund pursuant to KRS 136.392 and 42.190. Any fire department which has inoculated its personnel during the period of July 1, 1991 to July 14, 1992, shall be reimbursed from these revenues for its costs incurred up to the amount allowed by the Cabinet for Health and Family Services~~Human Resources~~ for hepatitis B inoculations.

(2) (a) Except as provided in subsection (3) of this section, the Commission on Fire Protection Personnel Standards and Education shall allot on an annual basis a share of the funds accruing to and appropriated for volunteer fire department aid to volunteer fire departments in cities of all classes, fire protection districts organized pursuant to KRS Chapter 75, county districts established under authority of KRS 67.083, and volunteer fire departments created as nonprofit corporations pursuant to KRS Chapter 273.

(b) The commission shall allot~~eight thousand dollars (\$8,000) annually to each qualifying department, and beginning on July 1, 2001, the commission shall allot~~ eight thousand two hundred fifty dollars (\$8,250), and beginning on July 1, 2018, the commission shall allot eleven thousand dollars (\$11,000)

1 annually to each qualifying department.

2 (c) Any qualifying department which fails to participate satisfactorily in the
3 Kentucky fire incident reporting system as described in KRS 304.13-380 shall
4 forfeit annually five hundred dollars (\$500) of its allotment.

5 (d) If two (2) or more qualified volunteer fire departments, as defined in KRS
6 95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be
7 in accordance with the provisions of KRS 95A.500 to 95A.560.

8 (e) Administrative regulations for determining qualifications shall be based on the
9 number of both paid firefighters and volunteer firemen within a volunteer fire
10 department, the amount of equipment, housing facilities available, and
11 ~~any[such]~~ other matters or standards ~~that[as]~~ will best effect the purposes of
12 the volunteer fire department aid law. A qualifying department shall:

13 1. Include at least twelve (12) firefighters;~~[-,]~~

14 2. *Have* a chief;~~[-, and]~~

15 3. *Have* at least one (1) operational fire apparatus or one (1) on order;
16 ~~and[-]~~

17 4. *Have at least* fifty percent (50%) of ~~its[the]~~ firefighters ~~who[shall]~~ have
18 completed at least one-half (1/2) of one hundred fifty (150) training
19 hours, or as otherwise established by the commission under KRS
20 95A.240(6), toward certification within the first six (6) months of the
21 first year of the department's application for certification, and there shall
22 be a plan to complete the one hundred fifty (150) training hours, or as
23 otherwise established by the commission by KRS 95A.240(6), within
24 the second year.

25 These personnel, equipment, and training requirements shall not be made
26 more stringent by the promulgation of administrative regulations.

27 (f) No allotment shall exceed the total value of the funds, equipment, lands, and

1 buildings made available to the local fire units from any source whatever for
2 the year in which the allotment is made.

3 (g) A portion of the funds provided for above may be used to purchase group or
4 blanket health insurance and shall be used to purchase workers' compensation
5 insurance, and the remaining funds shall be distributed as set forth in this
6 section.

7 (3) There shall be allotted two hundred thousand dollars (\$200,000) of the insurance
8 premium surcharge proceeds accruing to the Firefighters Foundation Program fund
9 that shall be allocated each fiscal year of the biennium to the firefighters training
10 center fund, which is hereby created and established, for the purposes of
11 constructing new or upgrading existing training centers for firefighters. If any
12 moneys in the training center fund remain uncommitted, unobligated, or
13 unexpended at the close of the first fiscal year of the biennium, then such moneys
14 shall be carried forward to the second fiscal year of the biennium, and shall be
15 reallocated to and for the use of the training center fund, in addition to the second
16 fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding
17 any project pursuant to this subsection, a proposed project shall be approved by the
18 Commission on Fire Protection Personnel Standards and Education as provided in
19 subsection (4) of this section and shall comply with state laws applicable to capital
20 construction projects.

21 (4) Applications for funding low-interest loans and firefighters' training centers shall be
22 submitted to the Commission on Fire Protection Personnel Standards and Education
23 for their recommendation, approval, disapproval, or modification. The commission
24 shall review applications periodically, and shall, subject to funds available,
25 recommend which applications shall be funded and at what levels, together with any
26 terms and conditions the commission deems necessary.

27 (5) Any department or entity eligible for and receiving funding pursuant to this section

1 shall have a minimum of fifty percent (50%) of its personnel certified as recognized
2 by the Commission on Fire Protection Personnel Standards and Education.

3 (6) Upon the written request of any department, the Commission on Fire Protection
4 Personnel Standards and Education shall make available a certified training
5 program in a county of which such department is located.

6 (7) The amount of reimbursement for any given year for costs incurred by the Kentucky
7 Community and Technical College System for administering these funds, including
8 but not limited to the expenses and costs of commission operations, shall be
9 determined by the commission and shall not exceed five percent (5%) of the total
10 amount of moneys accruing to the Firefighters Foundation Program fund which are
11 allotted for the purposes specified in this section during any fiscal year.

12 (8) The commission shall withhold from the general distribution of funds under
13 subsection (2) of this section an amount which it deems sufficient to reimburse
14 volunteer fire departments for equipment lost or damaged beyond repair due to
15 hazardous material incidents.

16 (9) Moneys withheld pursuant to subsection (8) of this section shall be distributed only
17 under the following terms and conditions:

18 (a) A volunteer fire department has lost or damaged beyond repair items of
19 personal protective clothing or equipment due to that equipment having been
20 lost or damaged as a result of an incident in which a hazardous material (as
21 defined in any state or federal statute or regulation) was the causative agent of
22 the loss;

23 (b) The volunteer fire department has made application in writing to the
24 commission for reimbursement in a manner approved by the commission and
25 the loss and the circumstances thereof have been verified by the commission;

26 (c) The loss of or damage to the equipment has not been reimbursed by the person
27 responsible for the hazardous materials incident or by any other person;

- 1 (d) The commission has determined that the volunteer fire department does not
2 have the fiscal resources to replace the equipment;
- 3 (e) The commission has determined that the equipment sought to be replaced is
4 immediately necessary to protect the lives of the volunteer firefighters of the
5 fire department;
- 6 (f) The fire department has agreed in writing to subrogate all claims for and rights
7 to reimbursement for the lost or damaged equipment to the Commonwealth to
8 the extent that the Commonwealth provides reimbursement to the department;
9 and
- 10 (g) The department has shown to the satisfaction of the commission that it has
11 made reasonable attempts to secure reimbursement for its losses from the
12 person responsible for the hazardous materials incident and has been
13 unsuccessful in the effort.
- 14 (10) If a volunteer fire department has met all of the requirements of subsection (9) of
15 this section, the commission may authorize a reimbursement of equipment losses
16 not exceeding ten thousand dollars (\$10,000) or the actual amount of the loss,
17 whichever is less.
- 18 (11) Moneys which have been withheld during any fiscal year which remain unexpended
19 at the end of the fiscal year shall be distributed in the normal manner required by
20 subsection (2) of this section during the following fiscal year.
- 21 (12) No volunteer fire department may receive funding for equipment losses more than
22 once during any fiscal year.
- 23 (13) The commission shall make reasonable efforts to secure reimbursement from the
24 responsible party for any moneys awarded to a fire department pursuant to this
25 section.
- 26 (14) There shall be allotted each year of the 1992-93 biennium one million dollars
27 (\$1,000,000), and each year of the 1994-95, 1996-97, 1998-99, and 2000-01

1 bienniums one million dollars (\$1,000,000) of the insurance premium surcharge
2 proceeds accruing to the Firefighters Foundation Program fund for the purpose of
3 creating a revolving low-interest loan fund, which shall thereafter be self-sufficient
4 and derive its operating revenues from principal and interest payments. The
5 commission, in accordance with the procedures in subsection (4) of this section,
6 may make low-interest loans, and the interest thereon shall not exceed three percent
7 (3%) annually or the amount needed to sustain operating expenses of the loan fund,
8 whichever is less, to volunteer fire departments for the purposes of major equipment
9 purchases and facility construction. Loans shall be made to departments which
10 achieve the training standards necessary to qualify for volunteer fire department aid
11 allotted pursuant to subsection (2) of this section, and which do not have other
12 sources of funds at rates which are favorable given their financial resources. The
13 proceeds of loan payments shall be returned to the loan fund for the purpose of
14 providing future loans. If a department does not make scheduled loan payments, the
15 commission may withhold any grants payable to the department pursuant to
16 subsection (2) of this section until the department is current on its payments. Money
17 in the low-interest loan fund shall be used only for the purposes specified in this
18 subsection. Any funds remaining in the fund at the end of a fiscal year shall be
19 carried forward to the next fiscal year for the purposes of the fund.

20 (15) For fiscal year 2004-2005 and each fiscal year thereafter, there is allotted one
21 million dollars (\$1,000,000) from the fund established in KRS 95A.220 to be used
22 by the commission to conduct training-related activities.

23 (16) If funding is available from the fund established in KRS 95A.220, the Commission
24 on Fire Protection Personnel Standards and Education may implement the
25 following:

26 (a) A program to prepare emergency service personnel for handling potential
27 man-made and non-man-made threats. The commission shall work in

- 1 conjunction with the state fire marshal and other appropriate agencies and
2 associations to identify and make maps of gas transmission and hazardous
3 liquids pipelines in the state;
- 4 (b) A program to provide and maintain a mobile test facility in each training
5 region established by the Commission on Fire Protection Personnel Standards
6 and Education with equipment to administer Comprehensive Physical
7 Aptitude Tests (CPAT) to ascertain a firefighter's ability to perform the
8 physical requirements necessary to be an effective and safe firefighter;
- 9 (c) A program to provide defensive driving training tactics to firefighters. The
10 commission shall purchase, instruct in the use of, and maintain mobile
11 equipment in each of the training regions, and fund expenses related to
12 equipment replacement;
- 13 (d) A program to annually evaluate equipment adequacy and to provide for annual
14 physical examinations for instructors, adequate protective clothing and
15 personal equipment to meet NFPA guidelines, and to establish procedures for
16 replacing this equipment as needed;
- 17 (e) A program to establish a rotational expansion and replacement program for
18 mobile fleet equipment currently used for training and recertification of fire
19 departments;
- 20 (f) A program to expand and update current EMS, first responder, EMT, and
21 paramedic training and certification instruction; and
- 22 (g) A program to purchase thermal vision devices to comply with the provisions
23 of KRS 95A.400 to 95A.440.